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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **O.M.P.(I) (COMM.) 6/2024**

MECWEL CONSTRUCTIONS PRIVATE LIMITED

.....Petitioner

Through: Dr.Amit George and Mr.Shashwat
Kabi, Advocates.

versus

GE POWER SYSTEMS INDIA PRIVATE LIMITED & ANR.

.....Respondents

Through: Mr.Abhijeet Swaroop, Mr.Akshay
and Ms.Megha, Advocates for R-1.

O-61

+ **O.M.P.(I) (COMM.) 7/2024**

MECWEL CONSTRUCTIONS PRIVATE LIMITED

.....Petitioner

Through: Dr.Amit George and Mr.Shashwat
Kabi, Advocates.

versus

GE POWER INDIA LIMITED & ANR.

.....Respondent

Through: Mr.Abhijeet Swaroop, Mr.Akshay
and Ms.Megha, Advocates for R-1.

O-62

+ **O.M.P.(I) (COMM.) 8/2024**

MECWEL CONSTRUCTIONS PRIVATE LIMITED

.....Petitioner

Through: Dr.Amit George and Mr.Shashwat
Kabi, Advocates.

versus



GE POWER SYSTEMS INDIA PRIVATE LIMITED & ANR.

.....Respondents

Through: Mr.Abhijeet Swaroop, Mr.Akshay
and Ms.Megha, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

22.04.2025

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I.A. 6521/2025 in O.M.P.(I) (COMM.) 6/2024

I.A. 6581/2025 in O.M.P.(I) (COMM.) 7/2024

I.A. 6524/2025 in O.M.P.(I) (COMM.) 8/2024

1. Heard learned counsel appearing on behalf of the parties on the aforesaid applications.
2. It be noted that *vide* order dated 08.01.2024, while appointing the Arbitral Tribunal (AT), the Court has passed certain directions pending the final decision thereon. The AT, *vide* two separate orders dated 18.11.2024 and 24.02.2025 has terminated the proceedings, subject to certain directions to be passed by this Court, if any.
3. Learned counsel appearing on behalf of the respondents submits that as on date, there are no arbitral proceedings pending before the AT, and therefore, the receipt of the fixed deposit be directed to be returned to the concerned respondent.
4. The aforesaid submission is vehemently opposed by learned counsel for the petitioner, who contends that in terms of the liberty granted by the AT, the original petitioner is intending to take appropriate steps for restoration of the arbitral proceedings.
5. The Court, however, is of the considered opinion that as on today,



there exist no arbitral proceedings pending before the AT, and therefore, the directions passed by this Court on 08.01.2024 cannot bind the respondents to continue with the same arrangement. The directions dated 08.01.2024 were essentially meant to operate till the final disposal of the proceedings before the AT.

6. In any case, if the AT proceedings are directed to be restored, the petitioner shall be entitled to make a request for provisioning similar arrangement or to suggest any other modality.

7. In view of the aforesaid, and having considered the overall facts and circumstances of the case, the Court directs the Registry to return the receipt of the fixed deposit to the respondent, as was furnished in terms of order dated 08.01.2024.

8. Ordered accordingly.

9. The instant applications stand disposed of.

PURUSHAINdra KUMAR KAURAV, J

APRIL 22, 2025

Nc/sp

Click here to check corrigendum, if any